

## BRUCE FERRELL

**V.**

**Defendants.**

Magistrate Judge Lisa Pupo Lenihan

## ORDER

The Magistrate Judge's Report and Recommendation (Doc. No. 2), filed on April 20, 2006, 2005, recommended that Plaintiff's motion to proceed in forma pauperis (Doc. No. 1) be denied in accordance with 28 U.S.C. § 1915 (g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen the case by paying the full filing fee of \$350.00 within sixty (60) days. The Plaintiff was served at S.C.I. Fayette, Box 9999, LaBelle, PA, 15450. The Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed a

"Submission of Objections to the Magistrate Judge's Report and Recommendation" (Doc. No. 4) on May 9, 2006. Plaintiff's objections were found to be without merit. After review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 1<sup>st</sup> day of June, 2006;

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is DENIED.


IT IS FURTHER ORDERED that this action is DISMISSED for Plaintiff's failure to pay the filing fee. Plaintiff retains the right to reopen the case by paying the full filing fee of \$350.00 within sixty (60) days of this order.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 2) of Magistrate Judge Lenihan, dated April 20, 2006, is adopted as the opinion of the court.

*This case is closed.*

Dated:

By the Court:

  
Donetta W. Ambrose  
Chief United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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